



#8 2644  
P.D.  
PATENT  
7-18-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this 10<sup>th</sup> day of July, 2002 in an envelope as First Class Mail addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Benjamin L. Volk, Jr.  
Reg. No. 48,017  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6352  
(314) 552-7352 (fax)

RECEIVED  
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Technology Center 2600  
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In re application of:  
Goldstein

Serial No.: 09/935,510

Filed: August 23, 2001

For: HEARING AIDS BASED ON MODELS  
OF COCHLEAR COMPRESSION USING  
ADAPTIVE COMPRESSION THRESHOLDS

Examiner Pendleton, Brian

Group Art Unit 2644

Assistant Commissioner for Patents  
Washington, D.C. 20231

VC-  
7/19/2002

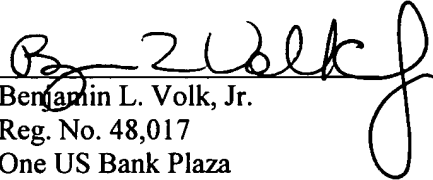
IDS Resubmission And Request to Accord  
Resubmitted IDS With Its Original Filing Date

Enclosed please find:

- (1) a copy of Applicant's Information Disclosure Statement (IDS) previously mailed to the United States Patent and Trademark Office on December 6, 2001;
- (2) copies of the references cited in the IDS, the references also having been previously mailed to the USPTO on December 6, 2001; and
- (3) a copy of the postcard receipt for the previous mailing of (1) and (2).

The undersigned hereby states that the enclosed copies are true and correct copies of the papers mailed to the USPTO at the address identified in the certificate of mailing and on the date also identified in the certificate of mailing. Pursuant to 37 CFR Rule 1.8, please enter the enclosed IDS and accord it a filing date of December 6, 2001.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. L. Volk, Jr.", written over a horizontal line.

Benjamin L. Volk, Jr.  
Reg. No. 48,017  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6352  
(314) 552-7352 (fax)



Serial No. 09/935,510 Reg. No. \_\_\_\_\_ Do. No. 116918-8183  
Title/Trademark Hearing Aids Based On Models of Cochlear...  
In the Matter of Goldstein (Hearing Emulations)

The following has been received there on the date stamped hereon:

- |   |  |
|---|--|
| <input type="checkbox"/> Affidavit  | <input type="checkbox"/> Notice of Appeal                |
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| <input type="checkbox"/> Amendment  | <input type="checkbox"/> Petition                        |
| <input type="checkbox"/> Assignment   | <input checked="" type="checkbox"/> IDS                  |
| <input type="checkbox"/> Maintenance Fee Transmittal                        | <input type="checkbox"/> Statement of Use                |
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Practitioner's Docket No. 16918-8183

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

In re application of: Goldstein

Application No.: 09 / 935,510

Group Art Unit: 2644

Filed: August 23, 2001

Examiner: unknown

For: HEARING AIDS BASED ON MODELS OF COCHLEAR COMPRESSION  
USING ADAPTIVE COMPRESSION THRESHOLDS

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 12/6/2001

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Benjamin L. Volk, Jr.  
Signature  
Benjamin L. Volk, Jr.  
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3]—page 1 of 2)



DEC 10 2001



NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed (sic) to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No.: 48,017

Tel. No.: (314) 727-5188

Customer No.:

  
SIGNATURE OF PRACTITIONER  
Benjamin L. Volk, Jr.

(type or print name of practitioner)  
Howell & Haferkamp, L.C.

P.O. Address  
7733 Forsyth Boulevard, Suite 1400  
St. Louis, Missouri 63105

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office  
Action [6-3]—page 2 of 2)